

**IN THE UNITED STATES 11TH DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION**

CAUSE NO. 1:22-cv-04591-SCJ-CMS



**In the Interest of the Public
For the matter of**

In re: Viola-Delores: Garris
Real Party in Interest (jus personarum)

VIOLA DELORES GARRIS, Infant/minor
Plaintiff/Complainant

V.

NEWREZ, LLC D/B/A SHELLPOINT MORTGAGE
DEFENDANT

**Directly and/or indirectly associated with
the property of a minor/infant**

Expressing the Trust

Special Deposit

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

APR 13 2023

KEVIN P. WEIMER, Clerk
By: Kimberly [Signature] Deputy Clerk

**BILL OF COMPLAINT IN EQUITY PRESENTMENT IN RESPONSE
TO FINAL REPORT AND RECOMMENDATION FILED BY
Magistrate Judge Catherine M. Salinas**

INTRODUCTION AND BACKGROUND with Memorandum of Law (Exhibit A)

COMES NOW, Viola-Delores: Garris, a natural living being of majority status, conducting the style condition of the Principal and Beneficial Equitable Title Holder, and not an Infant/minor, hereinafter "Complainant".

As such I am exercising as well as retaining and reserving all rights, natural, private, commercial, incorporeal or otherwise and does tender this claim and makes the claim that the tender was special deposited on the accounts receivables books of the court, via the respondent's commercial filings and/or other deposits into the courts registry, who by their own admission of the complaint showing or causing to show the existence of a qualified endorsement.

On its face it appears that Respondent's intent and purpose was to take up the election to treat the within reference complaint as a draft, rather than a promise to pay. A complaint is a promise to pay, and a draft is an order to pay, and the person holding the instrument can treat it as either. The court converted the complaint to a draft (a form of currency conversion). There might be cause for one to raise and/or complain that they lack understanding, that such information is foreign to them; and it is at that time that such an individual documents their lack of knowledge for overseeing such a matter that specifically deals with an express trust and the estate of an infant, which invokes exclusive jurisdiction and not concurrent jurisdiction. This court acts as an administrative venue as a result of the administrative acts and presidential proclamation 2038, 2039 and 2040 – for which the presidents of the United States have exercised "Emergency Powers Jurisdiction" continuously, from 1933 to the present, according to the Senate

report on national emergencies associated with the “National Emergencies Act”. To ensure this information is not ambiguous, nor is it foreign to government, for the Senate of the United States Congress has verified the aforementioned facts.

Equities Implied Expression of a Trust

Minor means an individual under the age of 18 years. The term minor is **also used** to refer to an individual who has attained the age of 18 years but has **not yet** taken control of the **securities** contained in his or her minor account.

Minor account means an account that a **custodian controls** on behalf of a minor, this is referred to as a **resulting trust** the definition of a resulting trust is: A resulting trust (from the Latin ‘resalire’ meaning to jump back) is the creation of an implied trust by operation of **law**, where property is transferred to someone who pays nothing for it and then is implied to have held the property for benefit of another person.

JURISDICTION AND VENUE

Jurisdiction is proper “other jurisdiction” wherein the Constitution, whereby Judicial Power, SECTION authorizes such out of necessity. The judicial power shall be vested in one Supreme Court, (who may extend such powers in a Court of Appeals, in District Courts, in County Courts, in Metropolitan Courts), and in such other courts and may be established by positive law i.e. as equity is the law, as equity is everything and law without equity **must still render equity**. Therefore, this court has the power to decree in equity upon this **Express Trust matter** in camera/chambers, and may enforce the Bill of Rights put forth in this bill as expressed in the Constitution.

We must remember as shall be discussed briefly in a moment, that an attorney who represents an individual who has not yet attained the age of majority, is said to represent a ward of the court. An attorney holds an administrative position as an officer of the court and as such, the attorney becomes for the ward and appointed guardian ad litem. **Now In proof that the trust exists**, and is for all necessities and purposes a “**RESULTING TRUST**”, in that upon attaining majority, the securities, assets, properties of the infant estate becomes the **rightful property of the beneficiary who has attained the age of majority**. Seeing that this is a “Resulting Trust”, by operation of law and as a result of the principles of equity, and that it involves a minor and/or infant and/ or properties of an infant, the proper jurisdiction is that of equity who has and maintains a right to such inherent jurisdiction.

RULE OF LAW

Whereby this cause, being a complaint in **exclusive equity jurisdiction**, (as it directly involves the property/estate/securities of an infant/minor), cites the rule of law as follows upon:

Courts of equity have GENERAL AND INHERENT JURISDICTION over the property of infants. Primary jurisdiction over the estate of infants may, under administrative constitutional or administrative statutory provisions, be vested in the probate, county, district, or other specific court.

The jurisdiction can be exercised only when the court has acquired jurisdiction as to the particular infant/minor or subject matter. (jurisdiction over estates/trust are exclusive in nature over which courts of

equity have exclusive jurisdiction, and such matters must be heard at equity). The commencement of a proceeding affecting the infant's property vest the court with jurisdiction over his or her estate, pursuant to which the court acts in loco parentis or as a guardian, and the infant becomes its ward. **It is the duty of the court to safeguard the infant's property interests with great care i.e. in trust.**

After the jurisdiction of the court has attached, either through an appearance, rulings/recommendations via mailing, entering a plea or any acknowledgement by the infant/minor equates to submitting to the court's jurisdiction, the court in its administrative capacity has broad, comprehensive and plenary powers over the estate of the infant/minor, however, courts of equity have exclusive jurisdiction over the property of the infant/minor. This court may adjudicate the rights and equities of the infant and property, **yet only in equity**, and it may cause to be done whatever may be necessary to preserve and protect the infant's estate which includes the property/assets of said estate. However, the exercising of such powers must be tempered with reasonable limitations, and one major limitation is that courts of equity have exclusive jurisdiction over the property/assets of an infant.

Therefore, the court cannot act in violation of administrative constitutional or statutory limitation on its powers or permit the impounding of the infants funds for the creation of a trust which the court or parties have done by establishing the instant matter, and thus attempt to deprive the infant/minor of the right to the absolute enjoyment of the funds of one who has come forth now, and appearing at the age of majority in correction of any presumptions by previous actions or instruments in this manner.

An infant is not competent to waive the administrative statutory requirements enacted for his or her benefit and protection, with respects to the manner in which the jurisdiction of the court may be exercised, unless and until they attain the age of majority, then they can either petition for the removal of minor's disabilities and or express the trust.

JURISDICTION OF COURTS OVER ESTATES OF INFANTS/MINORS-JUDICIAL ALLOWANCES FOR SUPPORT, MAINTAINENCE, AND EDUCATION.

Respondent(s), Defendant(s) could not have had a valid claim against infant/minor without personal knowledge and a copy of Photo, Fingerprints, a Forced Contract, Coercion, Threats, False imprisonment, a false commercial claim is/are not considered lawful evidence and/or knowledge, because such copies are held as a forgery, evidence of involuntary servitude.

Furthermore, courts in conducting "Commercial" Business of the court must give/disclose to or upon a party upon demand the bookkeeping entries (both receivables and payables) with affidavit, and demand is hereby made for immediate production or the all evidence is hearsay evidence into the court. The infant/minor having attained the age of majority hereby challenges the bookkeeping and demands the full accounting on the accounts receivables and accounts payable and all dividends, profits, rents, escrows, etc. resulting from the deposit of TRUST/Estate of the ward/Beneficiary onto the courts accounts receivables and other general intangibles.

Movement for Relief

Complainant is entitled to the relief of damages in equity, as 'equity must cause equity to be done, though the heavens fall'; Complainant is entitled to relief in the form of damages for the following reasons:

Respondent(s)(Defendant(s) has taken the private property of the complainant under extreme duress and threat of violence against Complainant's life, property, liberties without just compensation, without

expressed and/or written consent of Complainant. Respondent(s), Defendant(s) had a duty to respond to all complaints and questions because of the legal **special relationship** of the parties and by not responding the Defendant(s) is in breach of trust because the infant estate and duty of care associated thereto/therewith is an expressed trust.

VERIFIED MEMORANDUM of Principles of Law and Points of Authorities on Express Special Relationship Trusts

The court and its officers are a legal Title holder of not only the express trust, but also the constructive trust.

As now has been placed on the record I share the same or similar name as the named Plaintiff/Complainant in the cause#1:22-cv-04591-SCJ-CMS. However, for clarification, I am now acting in the capacity as the named Plaintiff/Complainant; I am the beneficiary and equitable titleholder. None of this information is foreign to the court, this matter must proceed in equity, failure, and/or refusal to proceed at equity, under exclusive jurisdiction will constitute contempt of justice.

ELEMENTS OF A TRUST

1. **Settlor/Grantor/Trustor** – intended to create a trust, which is perceived by the reasonable observer, as in the case of the New Deal and the several Federal Acts and associated State regulations-

- a. The Emergency Banking Relief Act of March 9th, 1933
- b. The Social Security Act of 1934, the Trust Indenture Act
- c. The Social Security Trust
- d. the Treasury Trust Fund
- e. The Public Trust and the Administration thereof

These are each Specific and Special RELATIONSHIP Agreements, as they are specifically designed and voluntarily submitted to as required by the 13th Amendment Authorizing such.

2. **Rights Must Be Identified**

- a. As evidenced by Due Process of Statutory Provisions and the 12th Amendment section 1 & 4

3. **Identification of Beneficiary**- Whom the property is held on behalf of (held in-trust).

4. **Shares/ Assets/ Property** must be identified.

5. **The Trust Must Be Workable**

6. **Must have an ending** i.e. can't last forever

All Elements of a Trust Are PRESENT – 31 C.F.R. section 363.6

Minor means an individual under the age of 18 years. The term minor also used to refer to an individual who has attained the age of 18 years but has not yet taken control of the securities contained in his or her minor account.

Minor account means an account that a custodian controls on behalf of a minor, that is linked to the custodian's primary account. (See 31 CFR section 363.10 and 363.27 for more information about minor accounts)

The Settler is Federal Government directly and through the state and local governments (this indication is specified by the use of the Lower Cased "state" and other proper nouns). Through various acts of Congress, and through the Age of Majority Act's.

The Equitable Beneficial Title Holder is the infant/minor both un-attained and attained, until they control the Securities/Shares in the trusted account.

The Rights are identified by **the right to attain the Age of Majority, to gain control of Securities Held in one's Minor Account**, and to be free from Minors Disabilities.

The Trust is workable in that the Custodian/Fiduciary/Trustee/Ministerial Clerk must hold the minor/infants account in trust on/for the benefit/behalf of a minor/infant, that is linked to the custodian's primary account(In most Instances the Federal and State Treasuries).

The Trust may not last forever as it and the duties of all parties end upon the attaining the Age of Majority, and documenting such in a definitive manner by attaching an affidavit attesting such to his or her BIRTH CERTIFICATE – NOTE THE PRINCIPLE:

"THE REGISTER OF TITLES IS AUTHORIZED TO RECEIVE FOR REGISTRATION OF MEMORIALS UPON ANY OUTSTANDING CERTIFICATE OF AN OFFICIAL BIRTH CERTIFICATE PERTAINING TO A REGISTERED OWNER NAMED AND SAID CERTIFICATE OF TITLE SHOWING THE DATE OF BIRTH OF SAID REGISTERED OWNER, providing there is attached to said certificate an affidavit of an affiant who states that he/she is familiar with the facts recited, stating that the party named and said birth certificate is the same party as one of the owners named and said certificate of title, and that thereafter the register of titles shall registered owner as having obtained the age of majority as of the date of 18 years after the date of birth shown on said certificate"

The aforementioned is a general court rule, meaning that it applies in principle in all birth certificate attaining related matters, and administrative process.

A PRIVATE SPECIAL RELATIONSHIP EXPRESS TRUST.

This matter does not involve a statutory and/or constitutional provision respecting a minor/or infant, this matter exclusively and specifically involves an estate/trust and the property of a infant/minor under equitable law.

Generally an infant may acquire property rights, but he or she is not regarded as capable of managing his or her property. Hence the law does not entrust him or her with the custody or control of his or her estate. The reason, An infant/minor is not capable of managing his or her securities, assets, properties held in their minor account, a general principle of equitable law.

Generally, as an equitable principle, the statute of limitations, is suspended as against infants during their disability, or either do not begin to run against an infant until the obtaining of majority, or where infancy does not toll the statutes, **the infant is allowed a statutory period after attaining majority** to contest any adverse possessions which commence during infancy. Here, the inference is upon the infant attaining the age of majority, the same with respects to a minor and/or juvenile, and as noted, such a person/individual shall remain a minor and or infant until such time as they gain control of the assets held in their minor account through equity.

With this supporting affidavit, the Complainant states that this court in good conscience and good reason shall aid the complainant in her prayer or **show cause via facts and conclusions of equitable law** why she is not entitled to just compensation and other equitable relief to which she is entitled as equitable beneficial title holder.

Complainant prays to this court for damages in the amount as specified in the contract and the value of the full estate plus interest, for the court is under obligation in the exercise of its inherent equitable powers to do equity.

Complainant additionally prays for an injunction to issue against Respondent(s), Defendant(s) and the, Attorney for an attempted taking of trust property, private information and solicitation against the complainant where she is not entitled to act against the trust with just or any other cause, for such is construed as intermeddling with the estate of the infant/minor, for which there are strict and severe penalties.

Sources Cited:

Section 336. Damages – the power to award damages in a proper case, as a necessary incident to other purely equitable relief and in the same decree, is fully admitted, and even to award damages alone in very special cases; but the jurisdiction has been exercised with the utmost caution and reserve. See JUDICIAL INTERPRETATION OF JURISDICTION, Pomeroy, Equity jurisprudence.

A court of equity grants the relief of compensatory damages in connection with some other specific relief, and under very peculiar circumstances it decrees the payment of damages alone. Several kinds of equitable suits are wholly pecuniary in their relief, as those for contribution and exoneration. SEE JUDICIAL INTERPRETATION OF JURISDICTION, Pomeroy, Equity Jurisprudence:

Maxims of Equity and Adjudication States that a court of equity(sub.sec.56) to protect and enforce rights to property the object of suits in chancery. The term “property”, as used in this section, includes that is the subject of exclusive individual ownership; or, to be more specific, includes not only lands, houses, goods and chattels, rights and credits, but also, a man’s person. As men and woman live by their labor and property, no man is presumed to part with either without receiving or expecting an equivalent in value. Hence, whenever one person has obtained either the labor or property of another he should pay or account therefor, unless he can prove it was a gift; and so, whatever injury one person does to another’s property or capacity to labor should be made good.

Exhibit A

GA Code § 23-2-58 (2021)

Any relationship shall be deemed confidential, whether arising from nature, created by law, or resulting from contracts, where one party is so situated as to exercise a controlling influence over the will, conduct, and interest of another or where, from a similar relationship of mutual confidence, the law requires the utmost good faith, such as the relationship between partners; principal and agent; guardian or conservator and minor or ward; personal representative or temporary administrator and heir, legatee, devisee, or beneficiary; trustee and beneficiary; and similar fiduciary relationships.

(Orig. Code 1863, § 3108; Code 1868, § 3120; Code 1873, § 3177; Code 1882, § 3177; Civil Code 1895, § 4030; Civil Code 1910, § 4627; Code 1933, § 37-707; Ga. L. 2020, p. 377, § 2-26/HB 865.)

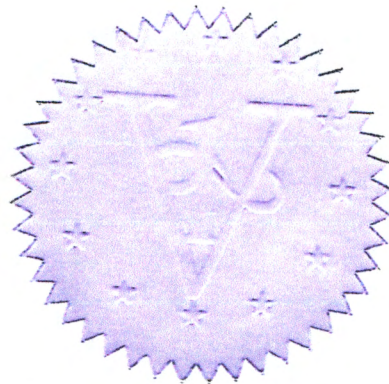
Law review:

"Georgia's Law of Undue Influence in Gift-Making," see 5 Ga. St. B.J. 12 (2000). For article, "Common Fact Patterns of Stock Broker Fraud and Misconduct," see 7 Ga. St. B.J. 14 (2002). For survey article on wills, trusts, guardianships, and fiduciary administration for the period from June 1, 2002 to May 31, 2003, see 55 Mercer L. Rev. 459 (2003). For annual survey of law of wills, trusts, guardianships, and fiduciary administration, see 56 Mercer L. Rev. 457 (2004). For survey article on wills, trusts, guardianships, and fiduciary administration, see 59 Mercer L. Rev. 447 (2007). For article, "Holmes v. Grubman: The Supreme Court of Georgia Balances Financial Advisor Common Law Liability and Investor Protection," see 16 (No. 5) Ga. St. B.J. 20 (2011).

I declare under the laws of the United States of America that foregoing is true and correct, Executed on this 10th Day of April, 2023

By: Viola D. Garcia

As: Complainant/Plaintiff and Equitable Beneficial Title Holder



Viola D. Davis

40 7080 John Rivers Rd. (Non-Resident H)
Fairburn, GA 30213 } w/o the U.S.



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